

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Actava TV, Inc., Master Call
Communications, Inc., Master Call
Corporation, and Rouslan Tsoutiev,

Plaintiffs,

v.

Joint Stock Company “Channel One Russia
Worldwide,” Closed Joint Stock Company
“CTC Network,” Closed Joint Stock
Company “New Channel,” Limited Liability
Company “GETV TV-Channel,” Closed Joint
Stock Company “TV DARIAL,” Open Joint
Stock Company “ACCEPT”, Limited
Liability Company “Comedy TV,” and
Kartina Digital GmbH,

Defendants.

Civ. No.: 1:18-cv-06626-ALC-KNF

**DECLARATION OF REPRESENTATIVE
OF LIMITED LIABILITY COMPANY
“COMEDY TV” IN SUPPORT OF
DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT**

I, Vitaly Kan, being of lawful age, declare as follows under penalty of perjury:

1. I am the General Counsel of Global Entertainment TV LLC (“GETV”) and have been since 2020. On or about October 31, 2016, the mass media registration certificate was transferred from Comedy TV, LLC to GETV under the procedure provided in *The Federal Service For Supervision Of Communications, Information Technology, and Mass Media* in accordance with regulations, and in accordance with the Directive of the Government of the Russian Federation as of October 6, 2021, No. 1752-p. After the transfer of the mass media registration certificate—in accordance with the Civil Code of Russian Federation, Part IV, Sections 1329 and 1330—GETV was, in effect assigned the copyrights and related intellectual property rights for the TNT-Comedy TV Channel. GETV is the company managing international affiliate sales of the Russian TV Channel TNT-Comedy.

2. I submit this declaration in support of Defendants'¹ motion for summary judgment.

3. I am fluent in Russian. I am not fluent in English and this declaration has been translated into Russian for me.

4. GETV owns and operates the TNT-Comedy TV channel and has entered into licensing agreements with third parties to distribute its programming via Internet Protocol Television ("IPTV") in the United States and around the world (except the Russian Federation). GETV obtains substantial revenues from such licensing agreements.

5. Prior to February 19, 2016, GETV had significant problems with piracy of its content. With respect to the United States, there were multiple entities illegally distributing GETV's content including Matvil Corporation ("Matvil") and Actava TV, Inc. ("Actava").

6. Stopping piracy is in GETV's economic self-interest. By stopping or limiting piracy, our licensees are able to obtain more users and, as a result, more revenue. In turn, the more revenues our licensees collect, the higher licensing fees GETV is able to charge our licensees.

7. To address piracy of GETV's content by Matvil, Actava, and other pirates, on February 19, 2016, the Broadcasters filed a lawsuit captioned Joint Stock Company *Channel One Russia Worldwide v. Infomir LLC*, No. 1:16-cv-01318-GBD-BCM (S.D.N.Y. Feb. 19, 2016), for violations of the Broadcasters' intellectual property rights (the "Infomir Litigation"). The Infomir Litigation was filed against multiple defendants, including Matvil. The Infomir Litigation was also filed against Actava, its CEO Rouslan Tsoutiev, Master Call Communications, Inc., and Master Call Corporation (collectively, "Plaintiffs").

¹ "Defendants" refers to Joint Stock Company "Channel One Russia Worldwide," Closed Joint Stock Company "CTC Network," Closed Joint Stock Company "New Channel," Limited Liability Company "GETV TV-Channel," Closed Joint Stock Company "TV DARIAL," Limited Liability Company "Comedy TV," and Kartina Digital GmbH ("Kartina"). "Broadcasters" refers to Defendants other than Kartina.

8. During the pendency of the Infomir Litigation, Kartina was never an exclusive licensee of GETV in the United States of America. Kartina has only been a non-exclusive licensee of GETV in the United States of America. Kartina has been a non-exclusive licensee of GETV in the United States of America since about 2013.

9. Prior to the Infomir Litigation, Matvil and Actava were distributing GETV's content to their users without a license from GETV. This distribution violated GETV's intellectual property rights, including its copyrights to its broadcasts, and its trademarks.

10. In 2016, Matvil entered into a licensing agreement with GETV to lawfully distribute GETV's content (the "License"). Matvil was subsequently dismissed from the Infomir Litigation.

11. Actava has never entered into a licensing agreement with GETV.

12. None of the Plaintiffs ever entered into a licensing agreement with GETV.

13. None of MHCOM GmbH, Russian Telekom, Inc., or North Atlantic Broadcasting Corp. ever entered into a licensing agreement with GETV.

14. After GETV and Matvil entered into the License, Matvil and Actava entered into a so-called referral agreement dated on or about September 8, 2016 (the "Referral Agreement"). Under the Referral Agreement, Actava was using GETV's trademarks to advertise GETV's content without GETV's permission.

15. Plaintiffs did not seek permission from GETV to enter into negotiations with Matvil. Matvil did not seek permission from the Broadcasters to enter into the Referral Agreement.

16. The Broadcasters filed a contempt motion in the Infomir Litigation on December 13, 2016 against Plaintiffs for violating the injunction by engaging in the Referral Agreement (the "Contempt Motion").

17. The purpose of filing of the Contempt Motion, like the purpose of the Infomir Litigation generally, was to stop the unauthorized use of GETV's intellectual property. Protecting GETV's intellectual property is important to preserving and increasing GETV's revenues and profits.

18. In September of 2017, the Contempt Motion was denied.

19. On July 23, 2018, Plaintiffs filed the instant lawsuit against Defendants.

20. GETV never applied any pressure on Matvil to terminate its relationship with Actava or terminate the Referral Agreement with Actava.

21. GETV never asked that Matvil terminate or cancel the Referral Agreement between Matvil and Actava.

(SIGNATURE PAGE FOLLOWS)

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: July 30, 2021



Vitaly Kan